

Plaintiff
Jackie Fisher's

Response in Opposition
to Defendants'

Motion for
Summary
Judgment

EXHIBIT

52



Board of Nurse Examiners For the State of Texas

Location Address: William P. Hobby Building, Ste. 3-460, 333 Guadalupe Street, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 Web: www.bne.state.tx.us

Katherine A. Thomas, MN, RN
Executive Director

May 19, 2005

Certified Mail No. 7004 1160 0000 1353 2096

Return Receipt Requested

Jacklyn Lynette Fisher
1150 FM 2296 Rd.
Huntsville, Texas 77340

Dear Ms. Fisher:

Information has been received in this office indicating that you may have violated the Nursing Practice Act of the State of Texas. We are initiating an investigation based on the alleged facts or conduct specified below:

On or about August 19, 2004, while employed with The University of Texas Medical Branch, Correctional Managed Care, Huntsville, Texas, and provided nursing care for an inmate who had placed a sheet around his neck:

1. You failed to accurately and completely assess the inmate when the inmate refused to be transferred to a psychiatric facility for immediate evaluation, as ordered. You instructed security staff to have the inmate sign a refusal of treatment.
2. You failed to notify the Mental Health Provider of the inmate's refusal to be transferred to a psychiatric facility for immediate evaluation, after the Mental Health Provider had given you orders to have the inmate evaluated at a psychiatric facility.
3. You failed to ensure the inmate received close supervision, after placing a sheet around his neck, once the inmate refused to be transferred to a psychiatric facility for immediate evaluation, as ordered. The inmate was not evaluated until the following day.

On or about August 27, 2004, the inmate was found dead in his cell from hanging.

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Jacklyn Lynette Fisher, RN
May 19, 2005
Page 2

You are directed to file a written response to the allegations stated above. You may provide any other information showing compliance with the Nursing Practice Act and Rules and Regulations Relating to Professional and/or Vocational Nurse Education, Licensure and Practice of the Board of Nurse Examiners.

In addition, please complete and return the enclosed questionnaire regarding your employment practices.

You have thirty (30) days from the date of this letter to respond.

You may be represented by an attorney of your choice, at your own expense.

Please include your current address and telephone number in your response and direct it to the attention of Kim Williamson. Please be aware that Rule 217.7(b) states that: "A nurse/applicant for licensure shall notify the Board in writing within 10 days of a change of address, providing the new address and his or her license number."

Please be aware that information regarding the statutes and rules cited above, the investigatory and disciplinary process, including 22 Texas Administrative Code §213 Practice and Procedure, Guidelines for Nurses under Investigation, and the time line utilized by Board staff for investigations can be found at the Board's website, www.bne.state.tx.us.

If you have any questions, please contact me at (512) 305-6831.

Sincerely,



Kim L. Williamson, RN
Investigator

KLW/klw

Enc: Employment Practices Questionnaire

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